

MONTANA LEGISLATIVE HISTORY

Chapter 528 1979

Bill H _____ S 481 Original bill & history C

H. Committee on Judiciary

Hearing Date(s) Mar 14 _____ C

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Date Out _____ C

S. Committee on Taxation

Hearing Date(s) Feb 17 ☒ C

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1 *Senate* BILL NO. *481*
 2 INTRODUCED BY *Regan Tobender STEPHENS Holstad*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT
 5 JUDICIAL OFFICERS AND DISTRICT COURT REPORTERS SHALL RECEIVE
 6 THE SAME MILEAGE AND EXPENSES THAT STATE EMPLOYEES RECEIVE;
 7 EXEMPTING JUDICIAL OFFICERS DURING THEIR CURRENT TERMS OF
 8 OFFICE; AMENDING SECTIONS 3-2-104, 3-5-211, 3-5-213 THROUGH
 9 3-5-216, 3-5-602, 3-6-203, 3-10-203, 3-10-209, 3-10-234,
 10 3-11-202, 3-11-204, 3-11-205, AND 3-12-201, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 3-2-104, MCA, is amended to read:

14 "3-2-104. Salaries -- affidavit required for payment
 15 -- expenses. (1) The salaries of justices of the supreme
 16 court are provided for in 2-16-405.

17 (2) The state auditor shall not draw a warrant in
 18 payment of the services of any justice of the supreme court
 19 until such justice shall have filed with the auditor an
 20 affidavit that no cause, motion, or other proceeding in his
 21 court remains pending and undecided for a period of 90 days
 22 after the same shall have been submitted for decision unless
 23 casualty or sickness shall have intervened.

24 (3) Justices of the supreme court shall receive their
 25 travel expenses, as provided in 2-18-501 through 2-18-503,

1 incurred in the performance of their official duties."

2 Section 2. Section 3-5-211, MCA, is amended to read:

3 "3-5-211. Salaries of district judges. The annual
 4 salary of each district judge is \$35,000. Each district
 5 judge shall receive his travel expenses, as provided in
 6 2-18-501 through 2-18-503, incurred in the performance of
 7 his official duties."

8 Section 3. Section 3-5-213, MCA, is amended to read:

9 "3-5-213. Expenses when out of district. A judge who
 10 sits in the place of another judge in the trial or hearing
 11 of an action or proceeding in a district other than his own
 12 or in the supreme court or who attends a conference of
 13 judges in Helena called by the chief justice of the supreme
 14 court shall be paid his ~~actual and necessary~~ travel
 15 expenses, as provided in 2-18-501 through 2-18-503, while
 16 engaged in that service as follows:

17 (1) his travel expenses in going from the county seat
 18 which he makes his place of residence to the place of trial
 19 or conference and return; and

20 (2) his board and lodging while engaged in the trial,
 21 hearing, or conference."

22 Section 4. Section 3-5-214, MCA, is amended to read:

23 "3-5-214. Certification and filing of expense claim.
 24 As soon as his services in connection with the trial or
 25 hearing are concluded, the judge shall certify in detail the

1 ~~amount of money necessarily and actually expended by him for~~
 2 ~~his traveling travel expenses and board and lodging~~ as
 3 specified in 3-5-213, and shall file the claim with the
 4 state to be processed as provided by law."

5 Section 5. Section 3-5-215, MCA, is amended to read:

6 "3-5-215. Expenses when not in county of residence. A
 7 district judge of a judicial district composed of more than
 8 one county who, for the purpose of holding court and
 9 disposing of judicial business, goes to a county of his
 10 judicial district other than the county in which he resides
 11 and therein holds court or transacts judicial business shall
 12 be paid ~~of~~ of his ~~actual and necessary travel~~ expenses of
 13 ~~transportation and living as provided in 2-18-501 through~~
 14 ~~2-18-503~~, incurred on account thereof from the time he
 15 leaves his place of residence until he returns thereto."

16 Section 6. Section 3-5-216, MCA, is amended to read:

17 "3-5-216. Itemized statements -- verification --
 18 filing. (1) On the first of each month or within 3 days
 19 thereafter, such district judge who may desire to avail
 20 himself of the provisions of 3-5-215 shall make out an
 21 itemized claim against the state of Montana showing with
 22 dates and particulars ~~of moneys paid out and expended by~~
 23 ~~him within his travel expenses for~~ the preceding month for
 24 ~~and on account of such expenses.~~

25 (2) He shall verify such claim by certifying that the

1 items of the claim are true and correct and are wholly
 2 unpaid and that the expenditures therein enumerated were
 3 ~~actually and necessarily~~ made in the discharge of official
 4 business while away from home.

5 (3) He shall then file such claim with the state to be
 6 processed as provided by law."

7 Section 7. Section 3-5-602, MCA, is amended to read:

8 "3-5-602. Salary and expenses -- apportionment. (1)
 9 Each reporter is entitled to receive an annual salary of not
 10 less than \$12,500 or more than \$16,000 and no other
 11 compensation except as provided in 3-5-604. The salary shall
 12 be set by the judge in the district in which the reporter
 13 works. It is payable in monthly installments out of the
 14 general funds of the counties comprising the district for
 15 which the reporter is appointed, in proportion to the number
 16 of civil and criminal actions commenced in the district
 17 court in and for each county in the preceding year. The
 18 judge of the district shall, on January 1 of each year or
 19 soon thereafter as possible, apportion the amount of the
 20 salary to be paid by each county in his district on the
 21 basis prescribed in this subsection.

22 (2) In judicial districts comprising more than one
 23 county, the reporter is allowed, in addition to the salary
 24 and fees provided for in subsection (1), his ~~actual and~~
 25 ~~necessary travel~~ expenses ~~of transportation and living, as~~

provided in ~~2-18-501 through 2-18-503~~, when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto. The expenses shall be apportioned and payable in the same way as the salary."

Section 8. Section 3-6-203, MCA, is amended to read:

"3-6-203. Salary. The salary of the municipal court judge shall be set by city ordinance and shall be payable monthly by the city treasurer. ~~The municipal court judge shall receive his travel expenses, as provided in 2-18-501 through 2-18-503, incurred in the performance of his official duties.~~"

Section 9. Section 3-10-203, MCA, is amended to read:

"3-10-203. Orientation course -- annual training. (1) The university of Montana law school shall present a course of study as soon as is practical following each general election. ~~Mileage-and-per-diem Travel expenses, as provided in 2-18-501 through 2-18-503,~~ shall be paid the elected or appointed justice of the peace for attending the course and shall be a proper charge against the county wherein the justice of the peace will hold court.

(2) There shall be an annual training session for all elected and appointed justices of the peace. This training session, which may be held in conjunction with the Montana

magistrates' association convention, shall be supervised by the supreme court. ~~Mileage-and-per-diem Travel expenses, as provided in 2-18-501 through 2-18-503,~~ shall be paid the elected or appointed justice of the peace for attending the course and shall be a proper charge against the county wherein the justice holds court."

Section 10. Section 3-10-209, MCA, is amended to read:

"3-10-209. Expenses. All ~~actual-and-necessary travel~~ expenses, ~~as provided in 2-18-501 through 2-18-503,~~ incurred by the justice of the peace in the performance of his official duties are a legal charge against the county."

Section 11. Section 3-10-234, MCA, is amended to read:

"3-10-234. ~~Necessary--expenses~~ Expenses of acting justice. Whenever a justice of the peace or another person is called in to preside over the court of a justice under 3-10-231, the visiting justice or other person shall be paid ~~all--necessary--and--actual~~ his travel expenses, ~~including mileage as provided in 2-18-501 through 2-18-503.~~ If the acting justice is not a justice of the peace receiving a salary, he shall also receive such compensation as is proper for the time involved. The cost of implementing this section is a proper charge against the county where the court is held."

Section 12. Section 3-11-202, MCA, is amended to read:

"3-11-202. Salary. The annual salary and compensation

1 of city judges must be fixed by ordinance. Each city judge
 2 shall receive his travel expenses, as provided in 2-18-501
 3 through 2-18-503, incurred in the performance of his
 4 official duties."

5 Section 13. Section 3-11-204, MCA, is amended to read:

6 "3-11-204. Training session for judges. There shall be
 7 an annual training session for all elected and appointed
 8 judges. This training session, which may be held in
 9 conjunction with the Montana magistrates' association
 10 convention, shall be supervised by the supreme court.
 11 ~~Mileage and per diem travel expenses, as provided in~~
 12 ~~2-18-501 through 2-18-503,~~ shall be paid the elected or
 13 appointed judge for attending the course and shall be a
 14 proper charge against the city wherein the judge holds
 15 court."

16 Section 14. Section 3-11-205, MCA, is amended to read:

17 "3-11-205. Justice of the peace acting as city judge.
 18 In towns, the council may designate a justice of the peace
 19 of the county in which the town is situated to act as city
 20 judge and may by ordinance fix his compensation for his
 21 services, and the justice of the peace so designated may act
 22 as a city judge in all cases arising out of a violation of
 23 ordinances where the town is a party. Where the justice of
 24 the peace must travel from his town of residence to hold
 25 court, he shall be paid ~~per diem and mileage~~ his travel

1 expenses, as provided in 2-18-501 through 2-18-503, by the
 2 town in which court is held."

3 Section 15. Section 3-12-201, MCA, is amended to read:

4 "3-12-201. Appointment -- salary and expenses --
 5 qualifications. (1) The judges of the judicial district in
 6 which a small claims court has been created shall appoint a
 7 judge of the small claims court who shall:

8 (a) take the oath required of judges;

9 (b) serve at the pleasure of the district court
 10 judges;

11 (c) be paid a salary set by the district court judges
 12 and travel expenses, as provided in 2-18-501 through
 13 2-18-503; and

14 (d) be an attorney licensed to practice law in
 15 Montana.

16 (2) The judges of the district court may appoint more
 17 than one small claims court judge for any small claims
 18 court. The salary shall be prorated among the judges
 19 appointed."

20 Section 16. Transition. A judicial officer, as defined
 21 in 1-1-202, who is occupying his judicial office on the
 22 effective date of this act shall continue to be paid
 23 expenses on the same basis as he is receiving them on the
 24 effective date of this act until the expiration of his term
 25 of office. All judicial officers who take office or begin a

1 new term of office after the effective date of this act
2 shall receive expenses as provided in this act.

3 Section 17. Severability. If a part of this act is
4 invalid, all valid parts that are severable from the invalid
5 part remain in effect. If a part of this act is invalid in
6 one or more of its applications, the part remains in effect
7 in all valid applications that are severable from the
8 invalid applications.

-End-

SB 481

MINUTES OF THE MEETING
TAXATION COMMITTEE
MONTANA STATE SENATE

February 17, 1979

The thirtieth meeting of the committee was held on the above date in Room 415 of the State Capitol Building, Chairman Turnage presiding.

ROLL CALL: Roll call found all members present with the exception of Senators Brown and Roskie. Witnesses giving testimony are listed on attached Register.

CONSIDERATION OF SENATE BILL 481: Senator Regan presented her bill which she said would provide that justices, judges, court reporters would receive standard state travel expenses for work-related travel. She said the problem had been discovered in Finance and Claims Committee concerning the per diem of those justices, judges, court reporters. She said there was also new language she wished to be included in the bill, concerning reinsertion of words, "actual and necessary" and following her testimony, obtained such amendments. The Chairman called for additional proponents or opponents, and following, for questions from the committee. Mr. Abley answered several committee questions saying the amendment to the law was thought necessary as the people referred to should receive same per diem as other state employees.

Following the brief questioning, the hearing on SB481 was closed until such time as the proposed amendments could be obtained, Exh. #1.

CONSIDERATION OF SENATE BILL 477: Senator Hager introduced his bill and said it had been introduced at the request of the Inheritance Tax Division of the Department of Revenue. He then turned the remainder of the time for introduction of the bill to Mr. Pilon who explained some of the difficulties the state now has in collecting unclaimed property. He went through the bill and pointed out how the statutes govern the disposition of unclaimed property. The bill allows intangible interests in a business that is to be presumed abandoned, and subject to the present statutes.

Dennis Dunphy of the Attorney General's office also spoke in regard to the bill which he termed was a Uniform Act. He suggested suggested an amendment, see Exh. #2, attached. The amendment was adopted by the committee:

Sen. Towe Moved to Adopt Amendments, Exh. #2. The motion carried.

Senator Towe proposed another amendment: page 2, line 15, strike "neither" insert "not" and also on line 16, page 2, after "(1)" stike remainder of lines 16, 17, 18, 19, 20 and 21, and reletter subsequent subsections. This Amendment was Moved by Senator Towe and the Motion Carried.

The committee asked a number of questions as there were no other proponents or opponents, and it was learned that the proceeds from the sale of unclaimed properties goes into the state's foundation program for the schools and approximately \$130,000 to \$200,000 goes into the program yearly.

Another amendment was proposed by Senator Towe: page 7, after line 24. "Securities which have little or no value may be held by the Department of Revenue and sold at its discretion as provided in this section." This Amendment was Moved by Senator Towe. Motion was carried. Note for record a "No" vote was cast by Senator Manley.

Members discussed also putting the administration of this division into the Department of Revenue rather than with the Attorney Generals office. Following a general discussion, the hearing on SB477 was closed.

The members then had the amendments for SB481 for their further consideration. The amendments, see Committee Report attached, were discussed and adopted.

Senator Towe then Moved SB481, As Amended, Do Pass. The motion carried unanimously.

Senator Manley then Moved SB415, As Amended, Do Pass. The motion carried unanimously. The amendments had been adopted February 16.

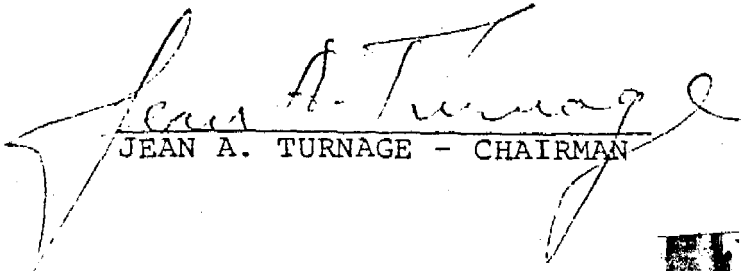
Senator Hager Moved SB222 Do Not Pass. The motion carried unanimously.

Senator Watt then Moved SB22 Be Tabled. The motion carried unanimously.

Senator Goodover Moved SB369 Do Pass. This motion carried unanimously.

Note in the voting the absence of Senators Roskie and Brown, both excused from the meeting today.

Following disposition of these bills, meeting was adjourned.


JEAN A. TURNAGE - CHAIRMAN

Representative Daily asked if Margaret Davis would explain how the League goes about endorsing or opposing a bill. Representative Scully said it would be fine, if she would do that, whereupon Margaret did explain the rationale and how the League comes to their conclusions on bills

There was no further discussion and the hearing closed on HJR 55.

8:35 a.m.

The committee went back into executive session while waiting for Senator Regan

SENATE BILL NO. 461:

Representative Kemmis moved "be concurred in". The motion carried with the vote unanimous. Representative Eudaily will carry on the floor.

Senator Regan came in so Representative Scully said they would resume the hearing

SENATE BILL NO. 481:

Senator Regan. Since I worked the executive budget I walked over to the court and asked them if they wanted a pay raise or the mileage. They said they wanted a pay raise. She explained the bill and what it would do. The annual salary of each district judge is \$35,000. Act 1 and necessary expenses for each judge shall be the travel expenses incurred in the performance of his official duties. The Senate struck section 16 which provided for a transition. In order to avoid that kind of challenge and then Section 16 was inserted. I will let you decide if Section 16 should be left in.

Representative Keedy asked what are they getting now. Senator Regan said they are getting the same as state employees because of what Hatfield did. It was the municipal judge that looked at the language and claimed more mileage. It wasn't the district judges that complained.

A general discussion followed about who is included under the bill.

Discussion about why Section 16 was stricken. It may be needed to make it constitutional. Discussion about this, also.

REPRESENTATIVE SCULLY:

Representative Kemmis will chair the meeting while I carry a bill in the Senate

SENATE BILL NO. 217:

After general discussion it was decided to hold until Thursday.

SENATE BILL NO. 260:

Representative Lory moved "be not concurred in". Representative Keyser moved a substitute motion "be concurred in".

SENATE BILL NO. 491: Representative Lory moved "be concurred in". The motion carried with Representative Keyser voting "no". Representative Seifert will carry.

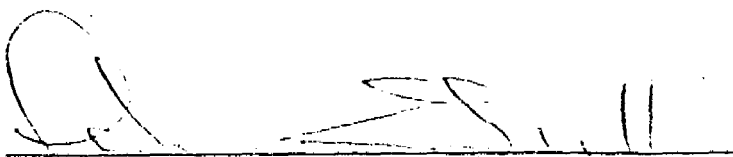
SENATE BILL NO. 481: Representative Keyser moved "be concurred in". The members discussed whether section 16 should be reinserted. Representative Holmes moved to do so. The motion carried with the vote unanimous.

Representative Keyser moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Lory will carry on the floor.

SENATE BILL NO. 397: It was decided to hold this bill until a later date.

SENATE BILL NO. 301: Prepared amendments were presented to the committee and the staff attorney, Larry Weinberg, explained them. Representative Keyser moved the adoption of the amendments. The motion carried with the vote unanimous. Representative Rosenthal moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Roth will carry on the floor.

There was no further business to come before the committee at this time and the meeting adjourned at 11:00 a.m.


John P. Scully, Chairman

SENATE BILL NO. 481

INTRODUCED BY REGAN, FASBENDER, STEPHENS, KOLSTAD

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT JUDICIAL OFFICERS AND DISTRICT COURT REPORTERS SHALL RECEIVE THE SAME MILEAGE AND EXPENSES THAT STATE EMPLOYEES RECEIVE; EXEMPTING JUDICIAL OFFICERS DURING THEIR CURRENT TERMS OF OFFICE; AMENDING SECTIONS 3-2-104, 3-5-211, 3-5-213 THROUGH 3-5-216, 3-5-602, 3-6-203, 3-10-203, 3-10-209, 3-10-234, 3-11-202, 3-11-204, 3-11-205, AND 3-12-201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-2-104, MCA, is amended to read:

"3-2-104. Salaries -- affidavit required for payment -- expenses. (1) The salaries of justices of the supreme court are provided for in 2-16-405.

(2) The state auditor shall not draw a warrant in payment of the services of any justice of the supreme court until such justice shall have filed with the auditor an affidavit that no cause, motion, or other proceeding in his court remains pending and undecided for a period of 90 days after the same shall have been submitted for decision unless casualty or sickness shall have intervened.

~~(3) justices ACTUAL AND NECESSARY TRAVEL EXPENSES OF THE JUSTICES of the supreme court shall receive their~~ BE THE

~~travel expenses, as DEFINED AND provided in 2-18-501 through 2-18-503, incurred in the performance of their official duties."~~

Section 2. Section 3-5-211, MCA, is amended to read:

"3-5-211. Salaries of district judges. The annual salary of each district judge is \$35,000. ~~Each ACTUAL AND NECESSARY EXPENSES FOR EACH district judge shall receive his~~ ~~BE THE travel expenses, as DEFINED AND provided in 2-18-501 through 2-18-503, incurred in the performance of his~~ ~~official duties."~~

Section 3. Section 3-5-213, MCA, is amended to read:

"3-5-213. Expenses when out of district. A judge who sits in the place of another judge in the trial or hearing of an action or proceeding in a district other than his own or in the supreme court or who attends a conference of judges in Helena called by the chief justice of the supreme court shall be paid his ~~actual--and--necessary~~ ~~ACTUAL AND NECESSARY~~ travel expenses, ~~as DEFINED AND provided in 2-18-501 through 2-18-503,~~ while engaged in that service as follows:

(1) his travel expenses in going from the county seat which he makes his place of residence to the place of trial or conference and return; and

(2) his board and lodging while engaged in the trial, hearing, or conference."

Section 4. Section 3-5-214, MCA, is amended to read:

"3-5-214. Certification and filing of expense claim.

As soon as his services in connection with the trial or hearing are concluded, the judge shall certify in detail the amount-of-money-necessarity-and-actually-expended-by-him-for his ACTUAL AND NECESSARY traveling travel expenses and-board and--lodging, as specified in 3-5-213, and shall file the claim with the state to be processed as provided by law."

Section 5. Section 3-5-215, MCA, is amended to read:

"3-5-215. Expenses when not in county of residence. A district judge of a judicial district composed of more than one county who, for the purpose of holding court and disposing of judicial business, goes to a county of his judicial district other than the county in which he resides and therein holds court or transacts judicial business shall be paid ~~att-of his actual-and-necessary~~ ACTUAL AND NECESSARY travel expenses of-transportation-and-tiving, as DEFINED AND provided in 2-18-501 through 2-18-503, incurred on account thereof from the time he leaves his place of residence until he returns thereto."

Section 6. Section 3-5-216, MCA, is amended to read:

"3-5-216. Itemized statements -- verification -- filing. (1) On the first of each month or within 3 days thereafter, such district judge who may desire to avail himself of the provisions of 3-5-215 shall make out an

itemized claim against the state of Montana showing with dates and particulars ~~att-moneys-paid-out-and-expended-by him-within his~~ ACTUAL AND NECESSARY travel expenses for the preceding month ~~for-and-on-account-of-such-expenses.~~

(2) He shall verify such claim by certifying that the items of the claim are true and correct and are wholly unpaid and that the expenditures therein enumerated were ~~actually-and-necessarity~~ made in the discharge of official business while away from home.

(3) He shall then file such claim with the state to be processed as provided by law."

Section 7. Section 3-5-602, MCA, is amended to read:

"3-5-602. Salary and expenses -- apportionment. (1)

Each reporter is entitled to receive an annual salary of not less than \$12,500 or more than \$16,000 and no other compensation except as provided in 3-5-604. The salary shall be set by the judge in the district in which the reporter works. It is payable in monthly installments out of the general funds of the counties comprising the district for which the reporter is appointed, in proportion to the number of civil and criminal actions commenced in the district court in and for each county in the preceding year. The judge of the district shall, on January 1 of each year or as soon thereafter as possible, apportion the amount of the salary to be paid by each county in his district on the

1 basis prescribed in this subsection.

2 (2) In judicial districts comprising more than one
3 county, the reporter is allowed, in addition to the salary
4 and fees provided for in subsection (1), his actual and
5 necessary ACTUAL AND NECESSARY travel expenses of
6 transportation--and--living, as DEFINED AND provided in
7 2-18-501 through 2-18-503, when he goes on official business
8 to a county of his judicial district other than the county
9 in which he resides, from the time he leaves his place of
10 residence until he returns thereto. The expenses shall be
11 apportioned and payable in the same way as the salary."

12 Section 8. Section 3-6-203, MCA, is amended to read:

13 "3-6-203. Salary. The salary of the municipal court
14 judge shall be set by city ordinance and shall be payable
15 monthly by the city treasurer. ~~The ACTUAL AND NECESSARY~~
16 ~~EXPENSES FOR THE municipal court judge shall receive his~~ BE
17 ~~THE travel expenses, as DEFINED AND provided in 2-18-501~~
18 ~~through 2-18-503, incurred in the performance of his~~
19 ~~official duties."~~

20 Section 9. Section 3-10-203, MCA, is amended to read:

21 "3-10-203. Orientation course -- annual training. (1)
22 The university of Montana law school shall present a course
23 of study as soon as is practical following each general
24 election. ~~Mileage-and-per-diem Travel ACTUAL AND NECESSARY~~
25 ~~TRAVEL expenses, as DEFINED AND provided in 2-18-501 through~~

1 ~~2-18-503~~, shall be paid the elected or appointed justice of
2 the peace for attending the course and shall be a proper
3 charge against the county wherein the justice of the peace
4 will hold court.

5 (2) There shall be an annual training session for all
6 elected and appointed justices of the peace. This training
7 session, which may be held in conjunction with the Montana
8 magistrates' association convention, shall be supervised by
9 the supreme court. ~~Mileage-and-per-diem Travel ACTUAL AND~~
10 ~~NECESSARY TRAVEL expenses, as DEFINED AND provided in~~
11 ~~2-18-501 through 2-18-503~~, shall be paid the elected or
12 appointed justice of the peace for attending the course and
13 shall be a proper charge against the county wherein the
14 justice holds court."

15 Section 10. Section 3-10-209, MCA, is amended to read:

16 "3-10-209. Expenses. All actual-and-necessary ACTUAL
17 AND NECESSARY travel expenses, as DEFINED AND provided in
18 2-18-501 through 2-18-503, incurred by the justice of the
19 peace in the performance of his official duties are a legal
20 charge against the county."

21 Section 11. Section 3-10-234, MCA, is amended to read:

22 "3-10-234. Necessary---expenses EXPENSES of acting
23 justice. Whenever a justice of the peace or another person
24 is called in to preside over the court of a justice under
25 3-10-231, the visiting justice or other person shall be paid

1 ~~all-necessary-and-actual~~ his ACTUAL AND NECESSARY travel
 2 expenses, ~~including--mileage as DEFINED AND provided in~~
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 4 justice of the peace receiving a salary, he shall also
 5 receive such compensation as is proper for the time
 6 involved. The cost of implementing this section is a proper
 7 charge against the county where the court is held."

8 Section 12. Section 3-11-202, MCA, is amended to read:

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 11 shall receive his ACTUAL AND NECESSARY travel expenses, as
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 16 an annual training session for all elected and appointed
 17 judges. This training session, which may be held in
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 19 convention, shall be supervised by the supreme court.
 20 ~~Mileage-and-per-diem travel~~ ACTUAL AND NECESSARY TRAVEL
 21 expenses, as DEFINED AND provided in 2-18-501 through
 22 2-18-503, shall be paid the elected or appointed judge for
 23 attending the course and shall be a proper charge against
 24 the city wherein the judge holds court."

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 2 In towns, the council may designate a justice of the peace
 3 of the county in which the town is situated to act as city
 4 judge and may by ordinance fix his compensation for his
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 9 court, he shall be paid ~~per-diem-and-mileage~~ his ACTUAL AND
 10 NECESSARY travel expenses, as DEFINED AND provided in
 11 2-18-501 through 2-18-503, by the town in which court is
 12 held."

13 Section 15. Section 3-12-201, MCA, is amended to read:

14 "3-12-201. Appointment -- salary ~~and expenses~~ --
 15 qualifications. (1) The judges of the judicial district in
 16 which a small claims court has been created shall appoint a
 17 judge of the small claims court who shall:

18 (a) take the oath required of judges;

19 (b) serve at the pleasure of the district court
 20 judges;

21 (c) be paid a salary set by the district court judges
 22 and ACTUAL AND NECESSARY travel expenses, as DEFINED AND
 23 provided in 2-18-501 through 2-18-503; and

24 (d) be an attorney licensed to practice law in
 25 Montana.

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2 than one small claims court judge for any small claims
3 court. The salary shall be prorated among the judges
4 appointed."

5 ~~Section 16. Transition. A judicial officer, as~~
6 ~~defined in 1-1-202, who is occupying his judicial office on~~
7 ~~the effective date of this act shall continue to be paid~~
8 ~~expenses on the same basis as he is receiving them on the~~
9 ~~effective date of this act until the expiration of his term~~
10 ~~of office. All judicial officers who take office or begin a~~
11 ~~new term of office after the effective date of this act~~
12 ~~shall receive expenses as provided in this act.~~

13 SECTION 16. TRANSITION. A JUDICIAL OFFICER, AS
14 DEFINED IN 1-1-202, WHO IS OCCUPYING HIS JUDICIAL OFFICE ON
15 THE EFFECTIVE DATE OF THIS ACT SHALL CONTINUE TO BE PAID
16 EXPENSES ON THE SAME BASIS AS HE IS RECEIVING THEM ON THE
17 EFFECTIVE DATE OF THIS ACT UNTIL THE EXPIRATION OF HIS TERM
18 OF OFFICE. ALL JUDICIAL OFFICERS WHO TAKE OFFICE OR BEGIN A
19 NEW TERM OF OFFICE AFTER THE EFFECTIVE DATE OF THIS ACT
20 SHALL RECEIVE EXPENSES AS PROVIDED IN THIS ACT.

21 Section 17. Severability. If a part of this act is
22 invalid, all valid parts that are severable from the invalid
23 part remain in effect. If a part of this act is invalid in
24 one or more of its applications, the part remains in effect
25 in all valid applications that are severable from the

1 invalid applications.

-End-

STATE OF MONTANA

REQUEST NO. 329-79

FISCAL NOTE

Form BD-15

In compliance with a written request received 02 / 13, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 481 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 481 is an act to provide judicial officers and court reporters the same mileage and expenses that other state employees receive, exempting judicial officers during their current term of office.

ASSUMPTIONS:

- 1) Terms for county judicial personnel are beyond the 80-81 biennium.
- 2) The percentage figure derived for District Judges applies to county judicial officers and court reporters.
- 3) The percentage figure derived below will remain constant in the fiscal years subsequent to the 80-81 biennium.

FISCAL IMPACT:

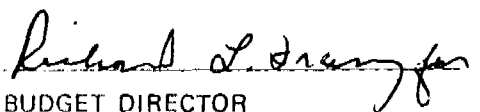
Since the terms of judicial officers in the state all run beyond the 80-81 biennium there will be no fiscal impact in that period.

LOCAL IMPACT:

If court reporters expenses are comparable to district judges, the savings to the county will be approximately 2-5% in travel expenses for applicable employees.

LONG RANGING AFFECTS:

The 2-5% savings will remain in affect in fiscal years subsequent to FY 1981, as the terms of Judicial personnel end, and a new term is begun.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: April 79